

Untitled document

January 25, 2012

WASHINGTON – In a letter to the Chairman of the Federal Communications Commission (FCC) today, Congressman Charles F. Bass (NH-02) expressed his serious concerns about a potential blackout of Boston broadcast station WHDH-TV, which is set to air the Super Bowl. Tens of thousands of New Hampshire DIRECTV customers in the state's six southern counties could be affected by this potential blackout if a resolution is not reached by February 5th.

Bass, a member of the House Subcommittee on Communications and Technology with jurisdiction over the FCC, said:

"With the Super Bowl occurring in less than two weeks, it's unfortunate that a breakdown of talks governed by outdated FCC rules could be responsible for tens of thousands of Granite Staters missing an opportunity to watch the Patriots beat the Giants. The FCC dropped the ball on updating its rules. I hope the FCC will clarify or update its rules immediately so Patriots fans are not forced to switch carriers or be left out in the dark on Super Bowl Sunday."

Bass previously [sent a letter to the FCC last October](#) raising concerns about the Commission's outdated retransmission consent rules, which govern negotiations between carriers and broadcasters and could result in significant inconvenience and cost to customers if not updated. Since the public comment period on the Commission's retransmission consent rulemaking closed in June, the FCC has stalled for nearly seven months on crafting updated policies to avoid situations like this.

The text of [Bass' letter to the Chairman of the FCC](#) follows:

January 25, 2012

Dear Chairman Genachowski:

Thank you for your letter addressing my concerns with the Commission's current retransmission consent regime and the reality of significant competitive changes in the video programming marketplace. While I was pleased to read that the Commission intended to move expeditiously in its proceeding on the matter, I am sincerely disappointed that the Commission failed to complete its review in time to inform recent carriage talks. As a result of the Commission's inaction on a proceeding whose public comment period closed almost seven months ago, the ability of tens of thousands of New Hampshire residents to watch the New England Patriots compete in this year's NFL Super Bowl has been jeopardized.

Beginning on January 14, 2012, the DIRECTV subscribers of six counties in New Hampshire (Belknap, Strafford, Rockingham, Merrimack, Hillsborough, and Cheshire) experienced a blackout of WHDH-TV (Channel 7). As you know, Boston-based WHDH-TV, an affiliate of NBC, will broadcast this year's Super Bowl. However, because WHDH-TV's owner, Sunbeam Television Corporation, is currently at a retransmission consent impasse with DIRECTV over

retransmission consent fees, the current blackout threatens the ability of DIRECTV subscribers to watch the Super Bowl.

While I remain hopeful that current negotiations will lead to a timely agreement, had the Commission updated and clarified its rules, New Hampshire Patriots fans probably would not be unfairly caught in the middle of this dispute. This unfortunate situation is precisely the concern I raised in my letter of October 21, 2011, when I stated that "as a result of [] video marketplace changes, increasingly frequent negotiation breakdowns and rising retransmission consent fees result in both significant inconvenience and cost to consumers." I urge the Commission to finally complete its proceeding, and to do what is within its existing statutory authority to move the ball forward in the current dispute. New Hampshire residents deserve better than to be caught in the middle.

Sincerely,

Charles F. Bass
Member of Congress

-- 30 --